

DOCKET FILE COPY ORIGINAL

EX PARTE OR LATE FILED



**Cincinnati Bell
Telephone®**

Cheryl N. Campbell
Director
Docket Management & Issue Analysis

201 E. Fourth St., 102 - 310
P. O. Box 2301
Cincinnati, Ohio 45201-2301
Phone: (513) 397-1210
Fax: (513) 241-9115

July 21, 1994

RECEIVED

JUL 21 1994

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:

Amendment of the Commission's Rules
to Establish New Personal
Communications Services: and

Implementation of Section 309(j)
of the Communications Act -
Competitive Bidding

)
)
) GEN Docket No. 90-314
) RM-7140, RM-7175, RM-7618
)
)
) PP Docket No. 93-253 ✓

Dear Mr. Caton:

Enclosed please find an original and six copies of the Cincinnati Bell telephone Company's Request For Stay, in the above referenced proceedings.

Please date stamp and return the enclosed duplicate copy of this letter as acknowledgement of its receipt. Questions regarding this document should be directed to Ms. Lynda Breen at the above address or by calling (513) 397-1265.

Sincerely,

Cheryl N. Campbell

RECEIVED

JUL 21 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of the Commission's Rules)	GEN Docket No. 90-314
to Establish New Personal Communications)	RM-7140, RM-7175, RM-7618
Services; and)	
)	
Implementation of Section 309(j) of)	
the Communications Act - Competitive)	PP Docket No. 93-253
Bidding)	

REQUEST FOR STAY

FROST & JACOBS

William D. Baskett
Thomas E. Taylor
Christopher J. Wilson

2500 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6800

Attorneys for Cincinnati Bell
Telephone Company

Dated: July 21, 1994

TABLE OF CONTENTS

I.	SUMMARY	2
II.	STANDARD FOR GRANT OF STAY	3
III.	LIKELIHOOD OF SUCCESS ON THE MERITS	4
IV.	LIKELIHOOD OF IRREPARABLE HARM	7
V.	ABSENCE OF HARM TO OTHER PARTIES	9
VI.	THE PUBLIC INTEREST	9
VII.	CONCLUSION	11

RECEIVED

JUL 21 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of the Commission's Rules)	GEN Docket No. 90-314
to Establish New Personal Communications)	RM-7140, RM-7175, RM-7618
Services; and)	
)	
Implementation of Section 309(j) of)	
the Communications Act - Competitive)	PP Docket No. 93-253
Bidding)	

REQUEST FOR STAY

Cincinnati Bell Telephone Company ("CBT"), by its attorneys, hereby requests that the Commission stay the effectiveness of its June 13, 1994 Memorandum Opinion and Order (the "*PCS Order*") in the Personal Communications Services (PCS) proceeding,¹ or, in the alternative, stay the effectiveness of its Fifth Report and Order (the "*Competitive Bidding Order*") released July 15, 1994 in the Competitive Bidding proceeding² as it relates to the PCS service areas where the Cincinnati SMSA Limited Partnership currently provides cellular service.³

¹ In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, GEN Docket No. 90-314, RM-7140, RM-7175, RM-7618, Memorandum Opinion and Order, released June 13, 1994 (the "*PCS Order*").

² In the Matter of Implementation of Section 309(j) of the Communications Act - Implementation of Competitive Bidding, PP Docket No. 93-253, Fifth Report and Order, released July 15, 1994 (the "*Competitive Bidding Order*").

³ The Cincinnati SMSA Limited Partnership operates a cellular mobile telephone business in the geographic triangle bounded generally by the cities of Cincinnati, Columbus and Dayton, Ohio.

I. SUMMARY

On July 1, 1994 CBT filed a Petition for Review in the United States Court of Appeals for the Sixth Circuit⁴ challenging the legality of the cellular eligibility restriction affirmed by the Commission in the *PCS Order*. The cellular eligibility restriction prohibits entities holding interests of 20 percent or more in cellular licenses covering 10 percent or more of the population in a given PCS service area from obtaining more than 10 MHz of broadband PCS spectrum in that PCS service area.⁵

CBT, through its affiliate Cincinnati Bell Cellular Systems Company ("CBCS"), currently holds a 45.008 percent interest, as a limited partner, in the Cincinnati SMSA Limited Partnership, which operates a cellular license covering more than 10 percent of the population in the Cincinnati Major Trading Area (MTA). As a result of this minority limited partnership interest, CBT is prohibited from obtaining more than one 10 MHz Basic Trading Area (BTA) license in the Cincinnati area, and is completely ineligible for any of the 30 MHz MTA licenses in the Cincinnati area. The Cincinnati SMSA Limited Partnership is currently the subject of a dissolution proceeding in the Delaware Court of Chancery. Depending on the outcome of that proceeding, the cellular interests which currently make CBT subject to the cellular eligibility restriction may well be liquidated.

The *Competitive Bidding Order* establishes auction procedures for awarding broadband PCS licenses. While the *Competitive Bidding Order* does not specify the date

⁴ See, Cincinnati Bell Telephone Company v. Federal Communications Commission and the United States of America, Case No. 94-3701, Petition for Review of an Order of the Federal Communications Commission, filed July 1, 1994.

⁵ See, 47 CFR §24.204.

these auctions will begin, it does indicate that the 30 MHz MTA licenses will be auctioned first.⁶ As a result, it seems highly unlikely that either the appeal of the *PCS Order* or the dissolution proceeding will be finally adjudicated before the auction process begins. Accordingly, CBT hereby requests a stay of broadband PCS auction process (as it relates to the PCS service areas where the Cincinnati SMSA Limited Partnership currently provides cellular service) pending the outcome of CBT's appeal and the Delaware dissolution proceeding.

II. STANDARD FOR GRANT OF STAY

CBT satisfies the test set forth in Virginia Petroleum Jobbers Association v. Federal Power Commission⁷ and Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.,⁸ as to when a stay is warranted. The test requires four factors to be evaluated: (1) the likelihood of the requesting party's success on the merits; (2) the likelihood that irreparable harm to the requesting party will result in the absence of a stay; (3) the absence of harm to other interested parties in the event that the stay is granted; and (4) the extent to which the stay serves the public interest.⁹ Where consideration of factors two through four favor the grant of a stay, the requesting party must show only that serious questions have

⁶ *Competitive Bidding Order* at para. 37.

⁷ 259 F.2d 921, 925 (D.C. Cir. 1958) ("Virginia Jobbers").

⁸ 559 F.2d 841 (D.C. Cir. 1977) ("Washington Transit").

⁹ Virginia Jobbers at 925; Washington Transit at 843.

been raised with respect to the merits.¹⁰ An evaluation of the four factors as follows shows that the broadband PCS auctions for the Cincinnati area licenses should be stayed pending the outcome of CBT's appeal of the *PCS Order* and, if necessary, pending dissolution of the Cincinnati SMSA Limited Partnership.

III. LIKELIHOOD OF SUCCESS ON THE MERITS

A. Appeal of the PCS Order

As mentioned above, CBT holds a non-controlling limited partnership interest in the Cincinnati SMSA Limited Partnership (the "Partnership")¹¹ and, therefore, is adversely affected by the cellular eligibility restriction. The Commission's purpose in adopting this eligibility restriction was to reduce the potential for unfair competition by limiting the ability of cellular operators to bid for PCS spectrum in areas where they provide cellular service.¹² In its appeal of the *PCS Order*, CBT will show that the cellular eligibility restriction needlessly and arbitrarily precludes non-controlling, minority cellular investors like CBT from fully participating in PCS, and does not further the purpose for which the rule was adopted.

¹⁰ Washington Transit at 843.

¹¹ As a result of this minority limited partnership interest, Section 24.204 prohibits CBT from obtaining more than one 10 MHz BTA license in the Cincinnati area, and renders CBT completely ineligible for any of the 30 MHz MTA licenses in the Cincinnati area. Without this restriction, CBT would be entitled to obtain up to 40 MHz of PCS spectrum in the Cincinnati area.

¹² Second Report and Order, GEN Docket No. 90-314, at para. 105.

Whatever potential anticompetitive problems the Commission is seeking to avoid could only result from *control* of a cellular operation, not from holding a non-controlling, minority interest in such an enterprise. As a limited partner, CBT's investment in the Partnership is purely passive. Under the Partnership Agreement and Delaware law,¹³ CBT has no right to participate in management and no voting power. Consequently, CBT has no ability to affect the Partnership's operations and no ability to engage in the type of anticompetitive conduct the Commission is trying to avoid through Section 24.204. This is especially true in CBT's case where the general partner (i.e., Ameritech) holds a 52.723 percent interest in the Partnership and, therefore, has total control over the Partnership's operations.

The arbitrary 20 percent standard adopted by the Commission unfairly discriminates against CBT as the holder of a non-controlling, minority interest in the Partnership. It is an arbitrary standard which bears no relationship whatsoever to the actual degree of control exercised by CBT over the Partnership's cellular operations. There is no difference in terms of control between an entity with less than 20 percent ownership and an entity with greater than 20 percent ownership where both are limited partners in a given cellular operation and another entity holds the controlling general partnership interest. This is precisely the situation CBT faces as a result of its limited partnership interest in the Partnership, yet the Commission's arbitrary rule would afford CBT rights that are vastly inferior to those afforded other entities with less than 20 percent ownership.

¹³ The Partnership is a Delaware limited partnership and, therefore, is subject to Delaware law.

CBT recognizes that the Commission will likely hold a different view with respect to the merits of CBT's appeal, given that the Commission authored the *PCS Order*. CBT submits, however, that the likelihood of its success on the merits warrants the grant of a stay. In any case, CBT raises serious legal issues which, when considered in conjunction with the likelihood of irreparable harm, the absence of harm to other parties, and the public interest, clearly warrant the granting of a stay.

B. Pending Dissolution Proceeding

In addition to CBT's appeal of the *PCS Order*, CBT has initiated a proceeding in the Delaware Court of Chancery seeking dissolution of the Partnership.¹⁴ The Partnership was formed in 1982 to market, service and operate a cellular mobile telephone business in the geographic triangle bounded generally by the cities of Cincinnati, Columbus and Dayton, Ohio. The respective percentage interests of the general and limited partners in the Partnership as of the date of this request are as follows:

General Partnership Interests

Ameritech Mobile Phone Service of Cincinnati, Inc.	40.000%
--	---------

Limited Partnership Interests

Ameritech Mobile Phone Service of Cincinnati, Inc.	12.723%
Cincinnati Bell Cellular Systems Company	45.008%
Sprint Cellular Company	1.200%
Champaign Telephone Company	.244%
GIT-Cell, Inc.	.825%

¹⁴ See, Cincinnati Bell Cellular Systems Company v. Ameritech Mobile Phone Service of Cincinnati, Inc., et. al., Civil Action No. 13389, Court of Chancery, State of Delaware, in and for New Castle County.

The Complaint requests that the Court enter an order dissolving the Partnership, and appointing a liquidating trustee with full power to: (1) collect all money due the Partnership; (2) pay all debts of the Partnership; (3) sell the property and assets of the Partnership, including the sale of the Partnership in its entirety; and (4) distribute any surplus assets to CBCS and the other limited partners ratably according to their respective interests. In the alternative, should the Partnership not be sold in its entirety by the liquidating trustee, the Complaint asks the Court to distribute to CBCS the licenses and assets to provide cellular telephone service in the Cincinnati and surrounding areas pursuant to the terms of the Partnership Agreement.

CBT submits that under Delaware law the Court of Chancery is likely to enter an order dissolving the Partnership. However, at this point it is unclear how the Partnership's assets will be distributed among the partners or what the time frame for such distribution will be.

IV. LIKELIHOOD OF IRREPARABLE HARM

The *Competitive Bidding Order* does not specify the date the broadband PCS auctions will begin. It does, however, indicate that the 30 MHz MTA licenses will be auctioned first.¹⁵ Every indication is that these auctions will begin in the very near future. Thus, it is highly unlikely that CBT's appeal of the *PCS Order*, and the dissolution of the Partnership, will be finally adjudicated before the broadband PCS auctions begin. Consequently, if CBT is prohibited from bidding on any of the 30 MHz licenses in the Cincinnati area as a result of

¹⁵ *Competitive Bidding Order* at para. 37.

its minority interest in the Partnership and, if the Court of Appeals subsequently strikes down the cellular eligibility restriction, CBT would suffer irreparable harm since its competitors will already have acquired all the 30 MHz MTA licenses available in the Cincinnati area. Similarly, if CBT is prohibited from bidding on any of the 30 MHz licenses in the Cincinnati area as a result of its minority interest in the Partnership and, if the Partnership is subsequently dissolved such that CBT ends up without an attributable interest in the cellular licenses currently operated by the Partnership, CBT will be essentially precluded from participation in both PCS and cellular service. Under these circumstances, the Commission cannot go forward with the Cincinnati area broadband PCS auctions without causing irreparable harm to CBT.

If, due to the timing of the auctions, CBT is precluded from fully participating in PCS, CBT would be placed at a tremendous disadvantage *vis a vis* its competitors. Recent panel discussions conducted by the Commission's PCS Task Force provide an independent basis for this conclusion. Most of the panelists at those discussions agree that demand for PCS, both as a complement to existing wireline telephone service and as a replacement thereof, will grow sharply once PCS is licensed and deployed. For example, the Personal Communications Incorporated Association estimates that PCS subscriptions will reach 8.55 million by the end of the first three years of service deployment and grow by 264 percent between 1998 and 2003.¹⁶ That equates to a market penetration rate of approximately 3.1 percent by the end of the first three years and 10.4 percent by 2003. Similarly, Dr. C. J.

¹⁶ See, Panel No. 1: PCS Demand Predictions - Statement of Thomas A. Stroup, President, Personal Communications Industry Association, at p. 4.

Waylan of GTE Personal Communications Services estimates that by the year 2005 total wireless voice services - including both cellular and PCS - will reach some 30 percent of the population. This translates into a market penetration of approximately 70 percent of U.S. households.¹⁷ As a wireline carrier, CBT would be irreparably harmed if it is denied the opportunity to fully participate in this wireless revolution.

V. ABSENCE OF HARM TO OTHER PARTIES

No other party will be harmed if a stay is granted. A stay would simply preserve the status quo until the Court of Appeals has an opportunity to review the legality of the cellular eligibility restriction and the Partnership is dissolved. Currently, there are no entities licensed to provide broadband PCS. Thus, a stay would not give any party a jump on the competition. No matter what the Court of Appeals decides with respect to the cellular eligibility restriction, or what the Court of Chancery decides with respect to the dissolution proceeding, the Commission can begin the PCS auction process for the Cincinnati area licenses without harm to any other party once those cases have been resolved.

VI. THE PUBLIC INTEREST

The Virginia Jobbers court recognized that the stay of an administrative order raises particular public interest concerns.¹⁸ The Commission would err in assuming that the public

¹⁷ See, Panel No. 1: PCS Demand Predictions - Prepared Remarks of Dr. C. J. Waylan, GTE Personal Communications Services, at p. 2.

¹⁸ Virginia Jobbers at 924.

interest would best be served by starting the auction process prior to the Court's decision on the legality of the cellular eligibility restriction and prior to dissolution of the Partnership. A stay of the auction process for the Cincinnati area licenses will promote competition by ensuring that eligibility restrictions are as narrow as possible. Allowing CBT to participate in the auctions will increase the number of bidders and, therefore, is likely to increase the revenue generated by the auctions. This is clearly in the public interest since auction revenues will be used to reduce the Federal budget deficit.¹⁹

The Commission has acknowledged the benefits to consumers from permitting local exchange carriers like CBT to participate in PCS.²⁰ CBT has the resources and technological expertise to foster the rapid deployment of PCS in its service territory. Indeed, CBT may represent the best opportunity to bring PCS services rapidly to consumers. Moreover, CBT may well be able to offer a broader range of PCS services at a lower cost than other potential licensees. Failure to grant a stay would unnecessarily restrict CBT's entry into PCS and harm consumers by excluding a viable competitor from the wireless telecommunications marketplace.

In order to remain competitive, CBT must have the same opportunity to provide PCS as cable companies, competitive access providers and other entities. Without the opportunity to fully participate in PCS, CBT may not be able to offer its customers the full range of telecommunications services made possible by the wireless revolution. This would be detrimental not only to CBT, but to the public as well.

¹⁹ See 47 U.S.C. §309(j)(8).

²⁰ Second Report and Order, at para. 126.

VII. CONCLUSION

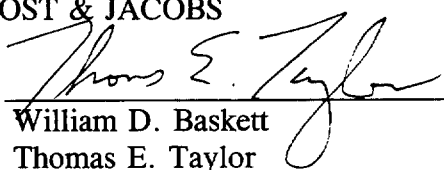
CBT has raised significant questions regarding the legality of the cellular eligibility restriction set forth in the *PCS Order*. CBT has also shown that even if this restriction is upheld by the Court of Appeals, CBT may still be able to participate in the auctions since its interest in the Partnership may well be liquidated in the Delaware dissolution proceeding. These questions should be reviewed and resolved before the broadband PCS auctions begin for licenses in the Cincinnati area. Only through full and equitable operation of the legal process can responsible and effective regulation be achieved.

WHEREFORE, good cause having been shown, CBT respectfully requests that the Commission stay the broadband PCS auction process (as it relates to the PCS service areas where the Cincinnati SMSA Limited Partnership currently provides cellular service) until CBT's appeal of the *PCS Order* and the Delaware dissolution proceeding are resolved.

Respectfully submitted,

FROST & JACOBS

By


William D. Baskett
Thomas E. Taylor
Christopher J. Wilson

2500 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6800

Attorneys for Cincinnati Bell
Telephone Company

Dated: July 21, 1994

0119268.01

CERTIFICATE OF SERVICE

I, Judith A. Gardner, do hereby certify on this 21st day of July, 1994, that I have caused a copy of the foregoing Cincinnati Bell Telephone Company's Request For Stay to be mailed, via first class United States Mail, postage paid, to the persons listed on the attached service list.



Judith A. Gardner

Henry A. Solomon
LUXCEL GROUP, INC.
Lahey, Bader & Potts
Suite 900
350 North Fairfax Drive
Arlington, VA 22203-1633

Alex J. Lord
MERCURY COMMUNICATIONS, L.C.
36 E. 6400 S.
Salt Lake City, UT 84107

David J. Kaufman
MINORITY PCS COALITION
Brown Nietert & Kaufman, Chtd.
920 N Street, N.W., Suite 660
Washington, D.C. 20036

Ann K. Newhall
MINNESOTA EQUAL ACCESS NETWORK
SERVICES, INC.
1800 Forwest Center
Minneapolis, MN 55402

Philip L. Malet
MOTOROLA SATELLITE
COMMUNICATIONS, INC.
1330 Connecticut Ave., N.W.
Washington, D.C. 20036

James L. Winston
THE NATIONAL ASSOCIATION OF
BLACK OWNED BROADCASTERS,
1730 M Street, N.W.
Suite 412
Washington, D.C. 20036

Michael S. Humphrey
THE NATIONAL RURAL TELECOM
Koteen & Naftalin
1150 Connecticut, NW, Suite 1000
Washington, D.C. 20036

Timothy E. Welch
MEBTEL, INC.
Suite 113
1330 New Hampshire Ave., N.W.
Washington, D.C. 20036

P. J. Mitchell
MINORITY BUSINESS ENTERPRISES
LEGAL DEFENSE AND EDUCATION
FUND, INC.
220 I Street, N.E. Suite 240
Washington, D.C. 20002

GVNW INC./MANAGEMENT
7125 S.W. Hampton Street
Suite 100
Tigard, OR 97223

Michael D. Kennedy
MOTOROLA, INC.
1350 I Street, N.W., Suite 400
Washington, D.C. 20005

Gene A. Bechtel
MW TV, INC.
Bechtel & Cole, Chartered
Suite 250
1901 L Street, N.W.
Washington, D.C. 20036

David E. Weisman
NATIONAL ASSOCIATION OF
BUSINESS AND EDUCAT. RADIO, INC.
4400 Jenifer Street, N.W.
Suite 380
Washington, D.C. 20015

Alden F. Abbott
NATIONAL TELECOMM/INFORMATION
ADMINISTRATION
U.S. Department of Commerce
Room 4713
14th and Constitution Ave, NW.
Washington, D.C. 20230

David Gosson
NATIONAL TELEPHONE COOPERATIVE
ASSOCIATION
26 Pennsylvania Ave., N.W.
Washington, D.C. 20037

David L. Nace
PACIFIC TELECOM CELLULAR, INC.
Nace, McGowan, Nace &
Gutierrez, Chtd.
819 H Street, N.W., 7th Floor
Washington, D.C. 20006

Susan E. Ryan
AGEMART, INC.
Paul, Weiss, Rifkind, Wharton
& Garrison
615 L Street, NW, Suite 1300
Washington, D.C. 20036

Gerald S. McGowan
PALMER COMMUNICATIONS, INC.
Nace & McGowan, Nace &
Gutierrez, Chartered
819 H Street, N.W., 7th Floor
Washington, D.C. 20006

Richard M. Tettelbaum
PNC CELLULAR, INC.
400 16th St. NW, Suite 500
Washington, D.C. 20036

Peter Fanneueld
RADIO TELECOM AND TECHNOLOGY
INC.
Fox Kintner and Kahn
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5339

John Prendergast
ROCKY MOUNTAIN TELECOMMUNICATIONS
ASSOCIATION, ET AL
Blooston, Mordkofsky, Jackson
& Finkens
212 Street, N.W. Suite 300
Washington, D.C. 20037

Lisa M. Zaina
THE ORGANIZATION FOR THE
PROTECTION AND ADVANCEMENT
OF SMALL TELEPHONE COMPANIES
21 Dupont Circle, N.W. Suite 700
Washington, D.C. 20036

Carl W. Northrop
PACTEL PAGING &
MIDCONTINENT MEDIA
700 13th Street, N.W.
Suite 700
Washington, D.C. 20005

Michael Wack
PAGING NETWORK, INC.
Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036

John W. Hunter
PMN, INC.
McNair & Sanford, P.A.
1155 Fifteenth Street
Washington, D.C. 20005

Howard M. Liberman
PRIMOSPHERE LIMITED
PARTNERSHIP
Arter & Hadden
1801 K Street, N.W. Suite 400K
Washington, D.C. 20006

Daniel S. Goldberg
RAM MOBILE DATA USA
LIMITED PARTNERSHIP
1229 Nineteenth Street, N.W.
Washington, D.C. 20036

Ann K. Newhall
RURAL CELLULAR CORPORATION
4800 Norwest Center
Minneapolis, MN 55402

William J. Franklin
CORPORATE ONE, INC.
1019 Pennsylvania Ave., N.W.
Suite 300
Washington, D.C. 20006-3404

John D. Pellegrim
ROBERT LUTZ, ET AL
1140 Connecticut Ave., N.W.
Suite 606
Washington, D.C. 20036

Robert B. Kelly
SECURICOR PMR SYSTEMS LTD.
Kelly, Hunter, Mow & Povich,
P.C.
133 Connecticut Ave., N.W.
Washington, D.C. 20036

Robert H. Kyle
SMALL BUSINESS PCS ASSOCIATION
96 Hillbrook Drive
Portola Valley, CA 94028

Charles D. Cosson
SMALL TELEPHONE COMPANIES
OF LOUISIANA
Graskin & Associates
1120 L Street, N.W. Suite 810
Washington, D.C. 20037

David J. Kaufman
SMALL RSA OPERATORS
Brown Nietert & Kaufman, Chtd.
1920 N Street, N.W., Suite 660
Washington, D.C. 20036

Ellen S. Levine
PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA
305 Van Ness Ave., Room 5028
San Francisco, CA 94102

Michael R. Gardner
SUITE 12 GROUP
1150 Connecticut Ave., N.W.
Suite 710
Washington, D.C. 20036

Timothy A. Hoffman
TELEPHONE ASSOC. OF MICHIGAN
Brown Nietert & Kaufman, Chtd.
1920 N St., NW Suite 660
Washington, D.C. 20036

George Y. Wheeler
TELEPHONE AND DATA SYSTEMS,
Koteen & Naftalin
1150 Connecticut Ave., N.W.
Suite 1000
Washington, D.C. 20036

Gustave Tappe
TELEPOINT PERSONAL
COMMUNICATIONS, INC.
405 Broad Avenue
Palisades Park, NJ 07650

Thomas A. Stroup
TELELOCATOR, THE PERSONAL
COMMUNICATIONS INDUSTRY
ASSOCIATION
1019 19TH Street, N.W.
Washington, D.C. 20036

Timothy E. Welch
THUMB CELLULAR LIMITED
PARTNERSHIP
Suite #113
1327 New Hampshire Ave., N.W.
Washington, D.C. 20036

Stuart F. Feldstein
TIME WARNER TELECOMMUNICATIONS
Fleischman and Walsh
1400 Sixteenth Street, N.W.
Suite 600
Washington, D.C. 20036

John D. Pellegrin
AMERICAN KYE
1140 Connecticut Avenue, N.W.
Suite 606
Washington, D.C. 20036

Robert J. Miller
ALCATEL NETWORK SYSTEMS, INC.
Gardere & Wyne, L.L.P.
601 Elm Street, Suite 3000
Dallas, Texas 75201

Julian P. Gehman
AMERICAN AUTOMOBILE ASSOCIATION, INC.
Blooston, Mordkofsky, Jackson
& Dickens
1120 L Street, N.W., Suite 300
Washington, D.C. 20037

Wayne Black
AMERICAN PETROLEUM INSTITUTE
Keller and Heckman
1000 Street, N.W.
Suite 300 West
Washington, D.C. 20001

Alane C. Weixel
ANCHORAGE TELEPHONE UTILITY
Covington & Burling
1201 Pennsylvania, Ave., N.W.
P.O. Box 7566
Washington, D.C. 20044

John R. Bankson, Jr.
ANDREA L. JOHNSON
Hopkins & Sutter
888 Sixteenth Street, N.W.
Washington, D.C. 20006

Patricia L. Gist
ALLIANCE OF RURAL AREA TELEPHONE
AND CELLULAR SERVICE PROVIDERS
Lukas, McGowan, Nace & Gutierrez
1810 H Street, N.W., Seventh Floor
Washington, D.C. 20006

Robert B. Kelly
ADVANCED MOBILE TECH., INC.
DIGITAL SPREAD SPECTRUM TECH., INC.
Kelly, Hunter, Mow & Povich, P.C.
1133 Connecticut Avenue, N.W.
Washington, D.C. 20036

Curtis White
ALLIANCE FOR FAIRNESS AND VIABLE
OPPORTUNITY
1920 L Street, NW
Suite 700
Washington, D.C. 20036

Kurt A. Wimmer
AMERICAN PERSON COMMUNICATIONS
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044

Charles N. Andreae, III
ANDREAE & ASSOCIATES, INC.
1133 Connecticut Ave., Suite 700
Washington, D.C. 20036

Eliot J. Greenwald
JOHN G. ANDRIKOPOULOS, et. al.
Fisher, Wayland, Cooper and Leader
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037

Francine J. Berry
AMERICAN TELEPHONE & TELEGRAPH
COMPANY
295 North Maple Avenue
Room 3244J1
Basking Ridge, NJ 07920

Frank Michael Panek
AMERITECH OPERATING COMPANIES
2000 W. Ameritech Center Dr.
Room 4H84
Hoffman Estates, IL 60196-1025

David B. Jeppsen
AMERICAN WIRELESS COMMUN. CORPORATION
Leahin & Cate
201 New York Ave. NW, Penthouse
Washington, D.C. 20005

William J. Franklin
ASSOCIATION OF INDEPENDENT
DESIGNATED ENTITIES
William J. Franklin, Chartered
919 Pennsylvania NW, Suite 300
Washington, D.C. 20006-3404

Lee J. Tiedrich
ASSOC. FOR MAXIMUM Svc TV, INC.
Dovington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, D.C. 20044

Van R. Boyette
P.O. Box 153
Wise River, MT 59762

Peter H. Feinberg
CABLEVISION INDUSTRIES CORP.
COMSAT CORPORATION, et al
Dow, Lohnes & Albertson
1255 23rd Street, N.W., Suite 500
Washington, D.C. 20037

Pete. A. Casciato
CELLULAR SERVICE, INC.
A Professional Corporation
1500 Sansome Street, Suite 201
San Francisco, CA 94111

Richard F. Tettelbaum
CFR COMMUNICATIONS CO.
DENVER AND EPHRATA TELEPHONE
Gurman, Kurtis, Blask & Freedman,
1400 16th Street, N.W., Suite 500
Washington, D.C. 20036

Marilyn Mohrman-Gillis
ASSOCIATION OF AMERICA'S PUBLIC
TELEVISION STATIONS
1350 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036

Thomas J. Keller
THE ASSOC. OF AMERICAN RAILROADS
Verner, Lipfert, Bernhard,
McPherson and Hand, Chartered
901 15th Street, N.W., Suite 700
Washington, D.C. 20005

James H. Barker
BELL ATLANTIC PERSONAL COMMUN., INC.
Latham & Watkins
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004-2505

Dennis C. Brown
1835 K Street, N.W.
Suite 650
Washington, D.C. 20006

Thomas J. Casey
CELLULAR COMMUNICATIONS, INC.
Skadden, Arps, Slate, Meagher
& Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005

Michael F. Altschul
CELLULAR TELECOMM. INDUSTRY ASSOC.
Two Lafayette Centre, 3rd Fl
1133 21st Street, N.W.
Washington, D.C. 20036

Randall B. Lowe
CENCALL COMMUNICATIONS
CORPORATION
Jones, day, Reavis & Pogue
1450 G Street, N.W.
Washington, D.C. 20005-2088

Arthur H. Harding
CENTURY COMMUNICATIONS CORP.
Keller and Walsh
400 Sixteenth Street, N.W.
Suite 600
Washington, D.C. 20036

John A. Prendergast
CHICKASAW TELEPHONE COMPANY
Blooston, Mordkofsky, Jackson
& Dickens
2120 L Street, NW, Suite 300
Washington, D.C. 20037

Thomas Gutierrez
COALITION FOR EQUITY IN LICENSING
Kukas, McGowan, Nace & Gutierrez
319 H Street, N.W., 7th Floor
Washington, D.C. 20006

Nancy J. Thompson
COMSAT MOBILE COMMUNICATIONS
6560 Rock Spring Drive
Bethesda, MD 20817

Richard S. Wilensk
COMTECH ASSOCIATES, INC.
Riddleberg, Riddle & Gianna
323 Bryan Street Suite 1600
Dallas, Texas 75201

Nancy Douthett
CONVERGING INDUSTRIES
P.O. Box 6141
Columbia, MD 21045-6141

Werner K. Hartenberger
DOX ENTERPRISES, INC.
Dow, Lohnes & Albertson
25 Second Street, Suite 500
Washington, D.C. 20037

Thomas Crema
3100 P Street, N.W.
Washington, D.C. 20007

William J. Franklin
DEVSHA CORPORATION
919 Pennsylvania Avenue, N.W.
Suite 300
Washington, D.C. 20006-3404

J. Jeffrey Craven
DIVERSIFIED CELLULAR
COMMUNICATIONS
Besozzi, Gavin & Craven
1901 L Street, N.W., Suite 200
Washington, D.C. 20036

Shi J. Fujimoto
DOMESTIC AUTOMATION COMPANY
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

Lee L. Selwyn
ECONOMICS AND TECHNOLOGY, INC.
One Washington Mall
Boston, Massachusetts 02108-2617

Ruth H. Fox
E. F. JOHNSON COMPANY
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 200, East Tower
Washington, D.C. 20005

Margaret M. Charles
FIBERSOUTH, INC.
Swidler & Berlin,
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007

Jeffrey Craven
FIRST CELLULAR OF MARYLAND, INC.
James Gavin & Craven
901 L Street, N.W., Suite 200
Washington, D.C. 20006

Kathy L. Shobert
GENERAL COMMUNICATIONS, INC.
888 16TH St., NW, Suite 600
Washington, D.C. 20006

Carl W. Northrop
GEORGE E. MURRAY
200 13th Street, N.W.
Suite 700
Washington, D.C. 20005

David F. Gencarelli
1919 Pennsylvania Ave., N.W.
Suite 300
Washington, D.C. 20006

Gary M. Epstein
HUGHES COMMUN. GALAXY, INC.
Matham & Watkins
Suite 1300
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Michael F. Morrone
INDEPENDENT CELLULAR CONSULTANTS
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

David L. Hill
INDEPENDENT CELLULAR NETWORK, INC.
1919 Pennsylvania Ave., N.W.
Suite 7
Washington, D.C. 20006

Jack Taylor
INTERDIGITAL COMM. CORP.
9215 Rancho Drive
Elk Grove, CA 95624

Mark E. Crosby
INDUSTRIAL TELECOMMUNICATIONS
ASSOCIATION, INC.
1110 N. Glebe Road, Suite 500
Arlington, VA 22201-5720

Robert B. Kelly
INTELLIGENT VEHICLE-HIGHWAYS
SOCIETY OF AMERICA
1133 Connecticut Ave., N.W.
Washington, D.C. 20036

James U. Troup
IOWA NETWORK SERVICES, INC.
1801 K Street, N.W.
Washington, D.C. 20006

Coleen Egan
JAJ CELLULAR
Gurman, Kurtis, Blask &
Freedman, Chartered
1400 16th St. NW, Suite 500
Washington, D.C. 20036

David L. Nace
LIBERTY CELLULAR, INC.
Lukas, McGowan, Nace & Gutierrez,
1815 K Street, N.W., Seventh Floor
Washington, D.C. 20006

Linda K. Smith
LORAL/QUALCOMM SATELLITE SVC, INC.
Crowell & Moring
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Richard S. Becker
RATES RADIO COMPANY
Becker & Madison, Chartered
15 Eye Street, Northwest
Eighth Floor
Washington, D.C. 20006

Norman P. Leventhal
TRW, INC.
Leventhal, Senter & Lerman
2000 K Street, N.W.
Washington, D.C. 20006

Jeffrey Craven
UNIQUE COMMUNICATIONS CONCEPTS
Besozzi, Gavin & Craven
101 L Street, N.W., Suite 200
Washington, D.C. 20036

Martin T. McCue
USTA
900 19th Street, N.W.
Washington, D.C. 20006-2105

Jeffrey L. Sheldon
UTILITIES TELECOMMUNICATIONS COUNCIL
140 Connecticut Ave., N.W.
Suite 1140
Washington, D.C. 20036

Paul C. Besozzi
VANGUARD CELLULAR SYSTEMS, INC.
Besozzi, Gavin & Craven
1901 L Street, N.W., Suite 200
Washington, D.C. 20036

Thomas Gutierrez
WENDY C. COLEMAN D/B/A
W CELLULAR
Lukas, McGowan, Nace & Gutierrez
819 H Street, N.W., 7th Floor
Washington, D.C. 20006

Sheila S. Hollis
WINDSONG COMMUNICATIONS, INC.
Metzger, Hollis, Gordon & Mortimer
1275 K Street, N.W., Suite 1000
Washington, D.C. 20005

Paul J. Sinderbrand
THE WIRELESS CABLE ASSOCIATION
INTERNATIONAL, INC.
88 Sixteenth St. NW, Suite 610
Washington, D.C. 20006-4103

Daniel R. Lindemann
32 Sleepy Hollow Drive
Wayne, New Jersey 07470

Michael R. Rickman
7140 Gammwell Drive
Cincinnati, Ohio 45230

Steven L. Dickerson
Suite 4300
901 Main Street
Dallas, Texas 75202

Laura G. Dooley
1655 Tippecanoe Court
Valparaiso, IN 46383

Christopher K. Sandberg
FIRSTCOM, INC.
2200 Washington Square
100 Washington Avenue South
Minneapolis, MN 55401

Henry E. Crawford
HILL PUBLICATIONS, INC.
150 Connecticut Ave., N.W.
Suite 900
Washington, D.C. 20036

Peter Tannenwald
RADIO TELECOM AND TECHNOLOGY INC.
Arent Fox Kintner and Kahn
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5339

Dye Ajayi-Obe
521 Heather Hollow Circle
Suite 21
Silver Spring, MD 20904

Charles N. Andreae, III
1133 Connecticut Ave., N.W.
Suite 700
Washington, D.C. 20036

Thomas Crema
110 P Street, N.W.
Washington, D.C. 20007

Abby Dilley
6278 Gentle Lane
Alexandria, VA 22310

David F. Gencarelli
1919 Pennsylvania Ave., N.W.
Suite 10
Washington, D.C. 20006

Ward Leber
18552 MacArthur Blvd.
Suite 200
Irvine, CA 92715

William E. Kennard
General Counsel Ofc.
Federal Communications Comm.
1919 M Street, NW, Rm 614
Washington, DC 20554

Robert J. Wiggers
U.S. Dept. of Justice
9th & Pennsylvania Ave, Rm 3224
Washington, DC 20530

International Transcription Svc.
1919 M Street, NW, Rm 246
Washington, D. C. 20554

William Caton, Acting Sec'y.
Federal Communications Comm.
1919 M Street, NW, Rm 222
Washington, DC 20554

Chairman Reed Hundt
Federal Communications Comm.
1919 M Street, NW, Rm 814
Washington, DC 20554

Commissioner James H. Quello
Federal Communications Comm.
1919 M Street, NW, Rm 802
Washington, DC 20554

Commissioner Andrew C. Barrett
Federal Communications Comm.
1919 M Street, NW, Rm 826
Washington, DC 20554

Commissioner Rachelle Chong
Federal Communications Comm.
1919 M Street, NW, Rm 832
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Comm.
1919 M Street, NW, Rm 832
Washington, DC 20554

Judy Nitsche, Chief
Tariff Review Branch, FCC
1919 M Street, NW, Rm 518
Washington, DC 20554

Dr. Stanley, Eng. & Tech.
Federal Communications Comm.
2025 M Street, NW, Rm 7002
Washington, D.C. 20554

H. Franklin Wright
Frequency Liaison Branch
Federal Communications Comm.
2025 M Street, NW, Rm 7326
Washington, DC 20554

Steve Funkhouser
Tariff Review Branch, FCC
1919 M Street, NW, Rm 518
Washington, DC 20554

Paul Rodgers, Gen. Counsel
NARUC
1102 ICC Building, Box 684
Washington, DC 20044